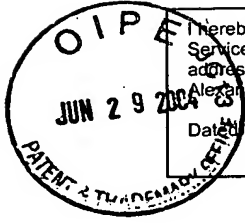


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Date: June 29, 2004 Signature: [Signature]  
(DeAnn F. Smith)

Docket No.: MRI-027  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Edwin Clark *et al.*

Application No.: 10/071510

Art Unit: 1642

Filed: February 8, 2002

Examiner: S. L. Rawlings

For: NOVEL COMPOSITIONS AND METHODS  
FOR THE IDENTIFICATION, ASSESSMENT,  
PREVENTION AND THERAPY OF HUMAN  
CANCERS

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed May 3, 2004.

The Examiner has required restriction between the following inventions in the above-identified application:

- Group I      Claims 1-14, drawn to a method for determining whether an agent can be used to reduce the growth of a tumor, wherein said method comprises obtaining a sample of tumor cells and determining whether the tumor cells express one or more sensitivity markers, classified in class 435, subclass 6 or subclass 7.1.
  
- Group II     Claims 15-28, drawn to a method for determining whether an agent can be used to reduce the growth of a tumor, wherein said method comprises obtaining a sample of tumor cells and determining whether the tumor cell express one or more resistance markers, classified in class 435, subclass 6 or subclass 7.1.

- Group III      Claims 29-36, drawn to a method for determining whether an agent can be used to reduce the growth of a tumor, wherein said method comprises obtaining a sample of tumor cells, exposing the tumor cells to one or more agents, and determining whether the tumor cells express one or more sensitivity markers, classified in class 435, subclass 6 or subclass 7.1
- Group IV      Claims 37-44, drawn to a method for determining whether an agent can be used to reduce the growth of a tumor, wherein said method comprises obtaining a sample of tumor cells, exposing the tumor cells to one or more agents, and determining whether the tumor cells express one or more resistance markers, classified in class 435, subclass 6 or subclass 7.1
- Group V      Claims 45-56, drawn to a method for determining treatment with an anti-cancer agent should be continued in a cancer patient, wherein said method comprises obtaining two or more samples comprising tumor cells from a patient during the course of anti-cancer treatment and determining whether the tumor cells express one or more sensitivity markers, classified in class 435, subclass 6 or subclass 7.1.
- Group VI      Claims 57-68, drawn to a method for determining treatment with an anti-cancer agent should be continued in a cancer patient, wherein said method comprises obtaining two or more samples comprising tumor cells from a patient during the course of anti-cancer treatment and determining whether the tumor cells express one or more resistance markers, classified in class 435, subclass 6 or subclass 7.1.
- Group VII      Claim 69, insofar as the claim is drawn to a method for reducing the growth rate of cancer in a patient, wherein said method comprises administering to a patient with cancer an agent identified by the method of claim 1 or 8, classified in class 424 or 514, but which cannot be fully classified, since the chemical and biologic nature of the agent is not specified.

Group VIII      Claim 69, insofar as the claim is drawn to a method for reducing the growth rate of cancer in a patient, wherein said method comprises administering to a patient with cancer an agent identified by the method of claim 15 or 22, classified in class 424 or 514, but which cannot be fully classified, since the chemical and biologic nature of the agent is not specified.

Group IX        Claim 69, insofar as the claim is drawn to a method for reducing the growth rate of cancer in a patient, wherein said method comprises administering to a patient with cancer an agent identified by the method of claim 29 or 33, classified in class 424 or 514, but which cannot be fully classified, since the chemical and biologic nature of the agent is not specified.

Group X         Claim 69, insofar as the claim is drawn to a method for reducing the growth rate of cancer in a patient, wherein said method comprises administering to a patient with cancer an agent identified by the method of claim 37 or 41, classified in class 424 or 514, but which cannot be fully classified, since the chemical and biologic nature of the agent is not specified.

Accordingly, Applicants hereby elect Group 1, Claims 1-14 and specifically elects SEQ ID NO:16 as the first elected marker for continued examination.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. MRI-027 from which the undersigned is authorized to draw.

Dated: June 29, 2004

Respectfully submitted,

By 

DeAnn F. Smith

Registration No.: 36,683

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